



General Assembly

Substitute Bill No. 846

January Session, 2013



***AN ACT DECREASING RECIDIVISM AND PROMOTING
RESPONSIBLE REINTEGRATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-124a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) There shall be a Board of Pardons and Paroles within the
4 Department of Correction, for administrative purposes only. On [and
5 after July 1, 2008, and prior to July 1, 2010, the board shall consist of
6 eighteen members, and on] and after July 1, 2010, the board shall
7 consist of twenty members, including a chairperson, five full-time
8 members and fourteen part-time members. The Governor shall appoint
9 all members of the board with the advice and consent of both houses
10 of the General Assembly. [On and after July 1, 2008, twelve of the
11 members shall serve exclusively on parole release panels, five of the
12 members shall serve exclusively on pardons panels and the
13 chairperson may serve on both parole release panels and pardons
14 panels, except that on and after July 1, 2010, seven of the members
15 shall serve exclusively on pardons panels.] In the appointment of the
16 members, the Governor shall specify the member being appointed as
17 chairperson, [the full-time and part-time members being appointed to
18 serve on parole release panels and the members being appointed to
19 serve on pardons panels] the members being appointed to serve full-

20 time and the members being appointed to serve part-time. In the
21 appointment of the members, the Governor shall comply with the
22 provisions of section 4-9b. [The Governor shall appoint a chairperson
23 from among the membership.] The members of the board appointed
24 on or after [February 1, 2008] July 1, 2013, shall be qualified by
25 education, experience or training in the administration of community
26 corrections, parole or pardons, criminal justice, criminology, the
27 evaluation or supervision of offenders or the provision of [mental]
28 public health services [to offenders] or legal services. All members of
29 the board may serve on both parole release panels and pardons panels
30 as assigned by the chairperson. Each appointment of a member of the
31 board submitted by the Governor to the General Assembly shall be
32 referred, without debate, to the [committee on] joint standing
33 committee of the General Assembly having cognizance of matters
34 relating to the judiciary which shall report thereon not later than thirty
35 legislative days after the date of reference.

36 (b) [The term of each appointed member of the board serving on
37 June 30, 2008, who had been assigned by the chairperson exclusively to
38 parole hearings, shall expire on said date.] The term of each member of
39 the board [serving on June 30, 2008, who had been appointed
40 chairperson, had been assigned by the chairperson exclusively to
41 pardons hearings or has been appointed by the Governor on or after
42 February 1, 2008,] shall be coterminous with the term of the Governor
43 or until a successor is [chosen] appointed and has qualified, whichever
44 is later. Any vacancy in the membership of the board shall be filled for
45 the unexpired portion of the term by the Governor.

46 (c) The chairperson and five of the members of the board [appointed
47 by the Governor on or after February 1, 2008, to serve on parole release
48 panels] shall devote full time to the performance of their duties under
49 this section and shall be compensated therefor in such amount as the
50 Commissioner of Administrative Services determines, subject to the
51 provisions of section 4-40. The other members of the board shall
52 receive [one hundred ten] two hundred dollars for each day spent in

53 the performance of their duties on and after July 1, 2013, and shall be
54 reimbursed for necessary expenses incurred in the performance of
55 such duties. The chairperson or, in the chairperson's absence or
56 inability to act, a member designated by the chairperson to serve
57 temporarily as chairperson, shall be present at all meetings of the
58 board and participate in all decisions thereof.

59 (d) The chairperson shall be the executive and administrative head
60 of said board and shall have the authority and responsibility for (1)
61 overseeing all administrative affairs of the board, (2) assigning
62 members to panels, (3) establishing procedural rules for members to
63 follow when conducting hearings, reviewing recommendations made
64 by employees of the board and making decisions, (4) adopting policies
65 in all areas of pardons and paroles including, but not limited to,
66 granting pardons, commutations of punishments or releases,
67 conditioned or absolute, in the case of any person convicted of any
68 offense against the state and commutations from the penalty of death,
69 risk-based structured decision making and release criteria, (5)
70 consulting with the Department of Correction on shared issues
71 including, but not limited to, prison overcrowding, (6) consulting with
72 the Judicial Department on shared issues of community supervision,
73 and (7) signing and issuing subpoenas to compel the attendance and
74 testimony of witnesses at parole proceedings. Any such subpoena shall
75 be enforceable to the same extent as subpoenas issued pursuant to
76 section 52-143.

77 (e) [Of the members appointed prior to February 1, 2008, the
78 chairperson shall assign seven members exclusively to parole release
79 hearings and shall assign five members exclusively to pardons
80 hearings. Except for the chairperson, no member assigned to parole
81 release hearings may be assigned subsequently to pardons hearings
82 and no member assigned to pardons hearings may be assigned
83 subsequently to parole release hearings. Prior to July 1, 2008, each
84 parole release panel shall be composed of two members from among
85 the members assigned by the chairperson exclusively to parole release

86 hearings or the members appointed by the Governor on or after
87 February 1, 2008, to serve exclusively on parole release panels, and the
88 chairperson or a member designated to serve temporarily as
89 chairperson, for each correctional institution. On and after July 1, 2008,
90 and prior to October 5, 2009, each parole release panel shall be
91 composed of two members appointed by the Governor on or after
92 February 1, 2008, to serve on parole release panels, at least one of
93 whom is a full-time member, and the chairperson or a full-time
94 member designated to serve temporarily as chairperson, for each
95 correctional institution. On and after October 5, 2009, each] Each parole
96 release panel shall be composed of two members [appointed by the
97 Governor to serve on parole release panels] and the chairperson or a
98 full-time member designated to serve temporarily as chairperson. [, for
99 each correctional institution. Such parole release panels shall be the
100 paroling authority for the institutions to which they are assigned and
101 not less than two members shall be present at each parole hearing.]
102 Each pardons panel shall be composed of three members, [from among
103 the members assigned by the chairperson exclusively to pardons
104 hearings or the members appointed by the Governor on or after
105 February 1, 2008, to serve on pardons panels,] one of whom may be the
106 chairperson, except that for hearings on commutations from the
107 penalty of death, one member of the panel shall be the chairperson.

108 (f) The Board of Pardons and Paroles shall have independent
109 decision-making authority to (1) grant or deny parole in accordance
110 with sections 54-125, 54-125a, as amended by this act, and 54-125e,
111 [and 54-125g,] (2) establish conditions of parole or special parole
112 supervision in accordance with section 54-126, (3) rescind or revoke
113 parole or special parole in accordance with sections 54-127 and 54-128,
114 (4) grant commutations of punishment or releases, conditioned or
115 absolute, in the case of any person convicted of any offense against the
116 state and commutations from the penalty of death in accordance with
117 section 54-130a, as amended by this act.

118 (g) The Department of Correction shall be responsible for the

119 supervision of any person transferred to the jurisdiction of the Board
120 of Pardons and Paroles during such person's period of parole or
121 special parole.

122 (h) The chairperson, or the chairperson's designee, and two
123 members of the board [from among the members assigned by the
124 chairperson to serve exclusively on parole release panels or the
125 members appointed by the Governor on or after February 1, 2008, to
126 serve on parole release panels,] shall conduct all parole release
127 hearings, and shall approve or deny all parole revocations and parole
128 rescissions recommended by an employee of the board pursuant to
129 section 54-127a, as amended by this act. No panel of the Board of
130 Pardons and Paroles shall hold a hearing to determine the suitability
131 for parole release of any person unless the chairperson of the board has
132 made reasonable efforts to determine the existence of and obtain all
133 information deemed pertinent to the panel's decision and has certified
134 that all such pertinent information determined to exist has been
135 obtained or is unavailable.

136 (i) The chairperson of the board shall appoint an executive director.
137 The executive director shall oversee the administration of the agency
138 and, at the discretion of the chairperson, shall: (1) Direct and supervise
139 all administrative affairs of the board, (2) prepare the budget and
140 annual operation plan, (3) assign staff to administrative reviews, (4)
141 organize pardons and parole release hearing calendars, (5) implement
142 a uniform case filing and processing system, and (6) create programs
143 for staff and board member development, training and education.

144 (j) The chairperson, in consultation with the executive director, shall
145 adopt regulations, in accordance with chapter 54, concerning:

146 (1) Parole revocation and rescission hearings that include
147 implementing due process requirements;

148 (2) An administrative pardons process that allows an applicant
149 convicted of a crime to be granted a pardon with respect to such crime

150 without a hearing, unless a victim of such crime requests such a
151 hearing, if such applicant was:

152 (A) Convicted of a misdemeanor and (i) such conduct no longer
153 constitutes a crime, (ii) such applicant was under twenty-one years of
154 age at the time of conviction and has not been convicted of a crime
155 during the five years preceding the date on which the pardon is
156 granted, or (iii) such conviction occurred prior to the effective date of
157 the establishment of a program under sections 17a-692 to 17a-701,
158 inclusive, section 46b-38c, 53a-39a, 53a-39c, 54-56e, 54-56g, 54-56i or 54-
159 56j for which the applicant would have been eligible had such program
160 existed at the time of conviction, provided the chairperson determines
161 the applicant would likely have been granted entry into such program;
162 or

163 (B) Convicted of a violation of section 21a-277, 21a-278 or 21a-279
164 and such applicant has not been convicted of a crime during the five
165 years preceding the date on which the pardon is granted, provided
166 such date is at least ten years after the date of such conviction or such
167 applicant's release from incarceration, whichever is later; and

168 (3) Requiring board members assigned to pardons hearings to issue
169 written statements containing the reasons for rejecting any application
170 for a pardon.

171 (k) The Board of Pardons and Paroles shall hold a pardons hearing
172 at least once every three months and shall hold such hearings in
173 various geographical areas of the state. The board shall not hold a
174 pardons hearing within or on the grounds of a correctional facility
175 except when solely for the benefit of applicants who are incarcerated at
176 the time of such hearing.

177 (l) The chairperson and executive director shall establish:

178 (1) In consultation with the Department of Correction, a parole
179 orientation program for all parole-eligible inmates upon their transfer
180 to the custody of the Commissioner of Correction that will provide

181 general information on the laws and policies regarding parole release,
182 calculation of time-served standards, general conditions of release,
183 supervision practices, revocation and rescission policies, and
184 procedures for administrative review and panel hearings, and any
185 other information that the board deems relevant for preparing inmates
186 for parole;

187 (2) An incremental sanctions system for parole violations including,
188 but not limited to, reincarceration based on the type, severity and
189 frequency of the violation and specific periods of incarceration for
190 certain types of violations; and

191 (3) A formal training program for members of the board and parole
192 officers that shall include, but not be limited to, an overview of the
193 criminal justice system, the parole system including factors to be
194 considered in granting parole, victim rights and services, reentry
195 strategies, risk assessment, case management and mental health issues.

196 (m) The board shall employ at least one psychologist with expertise
197 in risk assessment and recidivism of criminal offenders who shall be
198 under the supervision of the chairperson and assist the board in its
199 parole release decisions.

200 (n) In the event of the temporary inability of any member other than
201 the chairperson to perform his or her duties, the Governor, at the
202 request of the board, may appoint a qualified person to serve as a
203 temporary member during such period of inability.

204 (o) The chairperson of the Board of Pardons and Paroles shall: (1)
205 Adopt an annual budget and plan of operation, (2) adopt such rules as
206 deemed necessary for the internal affairs of the board, and (3) submit
207 an annual report to the Governor and General Assembly.

208 Sec. 2. Subsections (d) and (e) of section 54-125a of the general
209 statutes, as amended by section 59 of public act 13-3, are repealed and
210 the following is substituted in lieu thereof (*Effective July 1, 2013*):

211 (d) The Board of Pardons and Paroles [shall] may hold a hearing to
212 determine the suitability for parole release of any person whose
213 eligibility for parole release is not subject to the provisions of
214 subsection (b) of this section upon completion by such person of
215 seventy-five per cent of such person's definite or aggregate sentence
216 less any risk reduction credit earned under the provisions of section
217 18-98e. An employee of the board or, if deemed necessary by the
218 chairperson, a panel of the board shall [reassess] assess the suitability
219 for parole release of such person based on the following standards: (1)
220 Whether there is reasonable probability that such person will live and
221 remain at liberty without violating the law, and (2) whether the
222 benefits to such person and society that would result from such
223 person's release to community supervision substantially outweigh the
224 benefits to such person and society that would result from such
225 person's continued incarceration. [After hearing] If a hearing is held,
226 and if the board determines that continued confinement is necessary,
227 [it] the board shall articulate for the record the specific reasons why
228 such person and the public would not benefit from such person
229 serving a period of parole supervision while transitioning from
230 incarceration to the community. If a hearing is not held, the board shall
231 document the specific reasons for not holding a hearing and provide
232 such reasons to such person. The decision of the board under this
233 subsection shall not be subject to appeal.

234 (e) The Board of Pardons and Paroles [shall] may hold a hearing to
235 determine the suitability for parole release of any person whose
236 eligibility for parole release is subject to the provisions of subdivision
237 (2) of subsection (b) of this section upon completion by such person of
238 eighty-five per cent of such person's definite or aggregate sentence. An
239 employee of the board or, if deemed necessary by the chairperson, a
240 panel of the board shall assess the suitability for parole release of such
241 person based on the following standards: (1) Whether there is
242 reasonable probability that such person will live and remain at liberty
243 without violating the law, and (2) whether the benefits to such person
244 and society that would result from such person's release to community

245 supervision substantially outweigh the benefits to such person and
246 society that would result from such person's continued incarceration.
247 [After hearing.] If a hearing is held, and if the board determines that
248 continued confinement is necessary, [it] the board shall articulate for
249 the record the specific reasons why such person and the public would
250 not benefit from such person serving a period of parole supervision
251 while transitioning from incarceration to the community. If a hearing is
252 not held, the board shall document the specific reasons for not holding
253 a hearing and provide such reasons to such person. The decision of the
254 board under this subsection shall not be subject to appeal.

255 Sec. 3. Section 54-127a of the general statutes is repealed and the
256 following is substituted in lieu thereof (*Effective July 1, 2013*):

257 All parole revocation and rescission hearings shall be conducted by
258 an employee of the Board of Pardons and Paroles. The parole of a
259 person who has been allowed to go on parole in accordance with
260 subsection (a) of section 54-125a or section 54-125g of the general
261 statutes, revision of 1958, revised to January 1, 2013, or who has been
262 sentenced to a period of special parole in accordance with subdivision
263 (9) of subsection (b) of section 53a-28, shall be revoked or rescinded if,
264 after such hearing, the employee recommends such revocation or
265 rescission and such recommendation is approved by at least two
266 members of a panel of the board.

267 Sec. 4. Section 54-130a of the general statutes is amended by adding
268 subsection (g) as follows (*Effective July 1, 2013*):

269 (NEW) (g) Any application, report or other record submitted to the
270 board for consideration with respect to the granting of a pardon shall
271 be confidential and not disclosed except upon (1) order of a court
272 pursuant to section 54-142a, (2) the request of the individual who is the
273 subject of such record, or (3) specific authorization of the board.

274 Sec. 5. Sections 54-125d and 54-125g of the general statutes are
275 repealed. (*Effective July 1, 2013*)

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2013</i>	54-124a
Sec. 2	<i>July 1, 2013</i>	54-125a(d) and (e)
Sec. 3	<i>July 1, 2013</i>	54-127a
Sec. 4	<i>July 1, 2013</i>	54-130a
Sec. 5	<i>July 1, 2013</i>	Repealer section

JUD *Joint Favorable Subst.*